

Michael Delikat  
Aimee B. Florin  
ORRICK, HERRINGTON & SUTCLIFFE LLP  
666 Fifth Avenue  
New York, New York 10103  
Telephone: (212) 506-5000  
Facsimile: (212) 506-5151

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOHNNY ALMONTE, individually and on behalf of  
others similarly situated,

Plaintiff,

-against-

NEXTEL OF NEW YORK, INCORPORATED,

Defendant.

07-CV-6065 (NRB)

**MOTION TO ADMIT COUNSEL  
PRO HAC VICE**

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, Aimee B. Florin, a member in good standing of the bar of this Court, hereby moves for an Order allowing the admission *pro hac vice* of:

Applicant's Name: J. Timothy McDonald  
Firm Name: Rogers & Hardin LLP  
Address: 2700 International Tower, 229 Peachtree Street, N.E.  
City/State/Zip: Atlanta, GA 30303  
Phone Number: (404) 522-4700  
Fax Number: (404) 525-2224

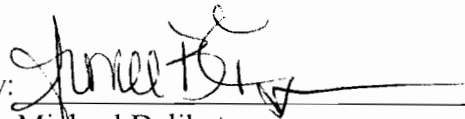
J. Timothy McDonald is a member in good standing of the Bars of the States of New Jersey (admitted 1990), Pennsylvania (1990), District of Columbia (1992) and Georgia (1998) and is also admitted to practice in the following courts: United States District Court for the District Of New Jersey (1990), United States Court of Appeals for the Third Circuit (1991), United States District Court for the Eastern District of Pennsylvania (1992), United States Court of Appeals for

the Federal Circuit (1993), United States Court of Appeals for the Eleventh Circuit (1997), United States District Court for the Northern District of New York (1997), United States District Court for the Eastern District of Michigan (1997), United States District Court for the Northern District of Georgia (1998), United States Court of Appeals for the Fifth Circuit (1998), United States Court of Appeals for the Ninth Circuit (1998), United States Court of Appeals for the Middle District of Georgia (2000), and the United States Court of Appeals for the Tenth Circuit. There are no pending disciplinary proceedings against J. Timothy McDonald in any State or Federal court.

Dated: September 5, 2007  
New York, New York

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

By: 

Michael Delikat  
Aimee B. Florin  
666 Fifth Avenue  
New York, NY 10103  
Phone Number: (212) 506-5000  
Fax Number: (212) 506-5151

Attorneys for Nextel of New York,  
Incorporated

Michael Delikat  
Aimee B. Florin  
ORRICK, HERRINGTON & SUTCLIFFE LLP  
666 Fifth Avenue  
New York, New York 10103  
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UNITED STATES DISTRICT COURT  
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NEXTEL OF NEW YORK, INCORPORATED,

Defendant.

07-CV-6065 (NRB)

**AFFIDAVIT OF AIMEE B. FLORIN IN  
SUPPORT OF MOTION TO ADMIT  
COUNSEL *PRO HAC VICE***

STATE OF NEW YORK       )  
                                      ) ss.  
COUNTY OF NEW YORK    )

Aimee B. Florin, being duly sworn, hereby deposes and says as follows:

1. I am a partner with Orrick, Herrington & Sutcliffe LLP, counsel for Defendant Nextel of New York, Incorporated (“Defendant”) in the above-captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Defendant’s motion to admit J. Timothy McDonald as counsel *pro hac vice* to represent them in this matter.

2. I am a member in good standing of the Bar of the State of New York. I have never been, and am not currently, under suspension or disbarment by any court of any state. I am not currently and have never been the subject of any disciplinary proceedings before any court or bar association. I was admitted to practice before the State of New York in 1996 and

have been admitted and am in good standing in the following federal jurisdictions, with date of admission as noted: the United States Supreme Court (2005), the United States Court of Appeals for the Second Circuit (2004), the United States Court of Appeals for the Third Circuit (1999), the United States District Court for the Southern District of New York (1997), the United States District Court for the Eastern District of New York (1997) and the United States District Court for the Northern District of New York (1999).

3. Mr. McDonald regularly serves as counsel to the Defendant and is familiar with the proceedings in this case.

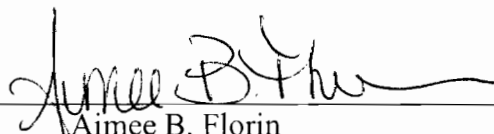
4. Mr. McDonald is a partner at Rogers & Hardin LLP in Atlanta, Georgia.

5. I have found Mr. McDonald to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.

6. Accordingly, I am pleased to move the admission of J. Timothy McDonald, *pro hac vice*.

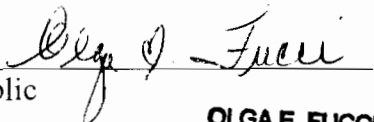
7. I respectfully submit a proposed order granting the admission of J. Timothy McDonald, *pro hac vice*, which is attached hereto as Exhibit A.

WHEREFORE it is respectfully requested that the motion to admit J. Timothy McDonald, *pro hac vice*, to represent Defendant in the above captioned matter be granted.



Aimee B. Florin  
Orrick, Herrington & Sutcliffe LLP  
666 Fifth Avenue  
New York, NY 10103  
Phone Number: (212) 506-5000  
Fax Number: (212) 506-5151

Sworn to and subscribed  
before me this 6<sup>th</sup> day of September, 2007



Notary Public

**OLGA E. FUCCI**  
Notary Public, State of New York  
No. 01FU4885941  
Qualified in Queens County  
Commission Expires February 23, 2011

# STATE BAR OF GEORGIA



*Lawyers Serving the Public and the Justice System*

Mr. John Timothy McDonald  
Rogers & Hardin LLP  
2700 International Tower  
229 Peachtree Street, N.E.  
Atlanta, GA 30303

**CURRENT STATUS:** Active Member-Good Standing

**DATE OF ADMISSION TO PRACTICE:** 06/12/1998

**Attorney Bar Number:** 489420

Today's Date: July 31, 2007

Listed below are the public disciplinary actions, if any, which have been taken against this member:

State Disciplinary Board Docket #	Supreme Court Docket #	Disposition
N/A	N/A	N/A

The prerequisites for practicing law in the State of Georgia are as follows:

- Must be certified by the Office of Bar Admissions, either by Exam, or on Motion (Reciprocity).
- Sworn in to the Superior Court in Georgia, which is the highest court needed for individuals to practice law in the State of Georgia.
- Enrolled with the State Bar of Georgia, which is an arm of the Supreme Court of Georgia.

Attorneys licensed in Georgia and whose membership is current are eligible to practice law in Superior Court. Attorneys may, upon application, apply for admission to the Supreme, District and State Court of Appeals.

Under the privacy/confidentiality provision of the Bar Rule 4-221(d), any complaint against a member resolved prior to the filing and docketing of a disciplinary case in the Supreme Court is not a matter of public record, and may not be revealed without a waiver from the member. It is the policy of the State Bar of Georgia to answer any inquiry about a member by disclosing only those complaints that have been docketed in the Supreme Court. With respect to matters that are currently pending as active, undocketed cases, when an inquiry is received, the State Bar of Georgia shall not disclose the existence of those complaints. Such non-disclosure should not be construed to confirm the existence of confidential complaints since the vast majority of members in good standing are not the subjects of such confidential complaints.

This member is currently in "good standing" as termed and defined by **State Bar Rule 1-204**. The member is current in license fees and is not suspended or disbarred as of the date of this letter.

## STATE BAR OF GEORGIA

Official Representative of the State Bar of Georgia

### HEADQUARTERS

104 Marietta Street, Suite 100  
Atlanta, Georgia 30303  
(404) 527-8700 ■ (800) 334-6865  
FAX (404) 527-8717  
www.gabar.org

### SOUTH GEORGIA

244 E. Second Street (Zip 31794)  
P.O. Box 1390  
Tifton, Georgia 31793-1390  
(229) 387-0446 ■ (800) 330-0446  
FAX (229) 382-7435



Supreme Court of Pennsylvania

**CERTIFICATE OF GOOD STANDING**

***John Timothy McDonald, Esq.***

**DATE OF ADMISSION**

***December 10, 1990***

The above named attorney was duly admitted to the bar of the Commonwealth of Pennsylvania, and is now a qualified member in good standing.



**Witness my hand and official seal  
Dated: August 6, 2007**

  
Patricia A. Johnson  
Chief Clerk





District of Columbia Court of Appeals  
Committee on Admissions  
500 Indiana Avenue, N.W. — Room 4200  
Washington, D. C. 20001  
202 / 879-2710

I, GARLAND PINKSTON, JR., Clerk of the District of Columbia Court of Appeals, do hereby certify that

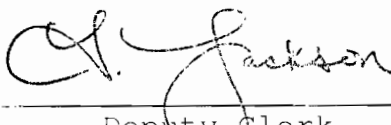
JOHN T. MCDONALD

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was on the 7<sup>TH</sup> day of DECEMBER, 1992  
duly qualified and admitted as an attorney and counselor and  
entitled to practice before this Court and is, on the date  
indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have  
hereunto subscribed my name  
and affixed the seal of this  
Court at the City of  
Washington, D.C., on August  
9, 2007.

GARLAND PINKSTON, JR., CLERK

By:   
Deputy Clerk



# Supreme Court of New Jersey

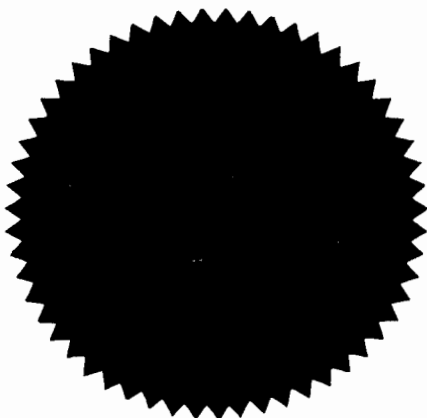


## Certificate of Good Standing

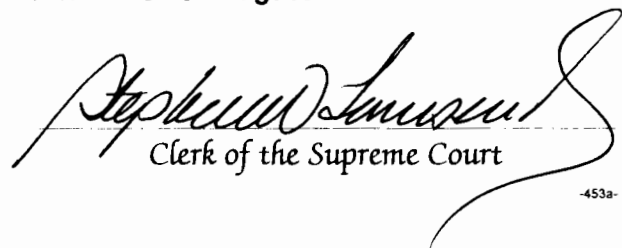
This is to certify that **JOHN T MC DONALD**  
(No. **027201990** ) was constituted and appointed an Attorney at Law of New  
Jersey on **December 20, 1990** and, as such,  
has been admitted to practice before the Supreme Court and all other courts of this State  
as an Attorney at Law, according to its laws, rules, and customs.

I further certify that as of this date, the above-named is an Attorney at Law in  
Good Standing. For the purpose of this Certificate, an attorney is in "Good Standing"  
if the Court's records reflect that the attorney: 1) is current with all assessments  
imposed as a part of the filing of the annual Attorney Registration Statement, including,  
but not limited to, all obligations to the New Jersey Lawyers' Fund for Client  
Protection; 2) is not suspended or disbarred from the practice of law; 3) has not  
resigned from the Bar of this State; and 4) has not been transferred to Disability  
Inactive status pursuant to Rule 1:20-12.

*Please note that this Certificate does not constitute confirmation of an attorney's  
satisfaction of the administrative requirements of Rule 1:21-1(a) for eligibility to  
practice law in this State.*



In testimony whereof, I have  
hereunto set my hand and  
affixed the Seal of the  
Supreme Court, at Trenton, this  
8TH day of August, 20 07

  
Clerk of the Supreme Court

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOHNNY ALMONTE, individually and on behalf of  
others similarly situated,

Plaintiff,

-against-

NEXTEL OF NEW YORK, INCORPORATED,

Defendant.

07-CV-6065 (NRB)

**AFFIDAVIT OF SERVICE**


I, Deborah Chernoff, being duly sworn, deposes and says:

I am not a party to this action, am over 18 years of age, and reside in New York, New York. On September 6, 2007, I served a true and correct copy of Motion to Admit Counsel J. Timothy McDonald *Pro Hac Vice* by placing a true copy thereof in a properly addressed envelope, with first-class postage pre-paid, and depositing said envelope in an official receptacle of the United States Postal Service within the State of New York, upon:

Cara E. Greene, Esq.  
Outten & Golden LLP  
3 Park Avenue, 29<sup>th</sup> Floor  
New York, New York 10016

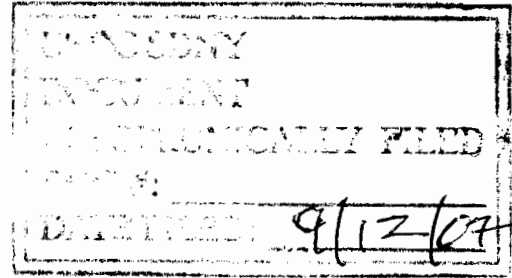
  
Deborah Chernoff

Sworn to before me this  
6th day of September, 2007

  
Notary Public

THOMAS BACKIEL  
Notary Public, State of New York  
No. 01BA6083754  
Qualified in Queens County  
Commission Expires Nov. 25, 2010

Michael Delikat  
Aimee B. Florin  
ORRICK, HERRINGTON & SUTCLIFFE LLP  
666 Fifth Avenue  
New York, New York 10103  
Telephone: (212) 506-5000  
Facsimile: (212) 506-5151



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOHNNY ALMONTE, individually and on behalf of  
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Plaintiff,

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NEXTEL OF NEW YORK, INCORPORATED,

Defendant.

07-CV-6065 (NRB)

**ORDER FOR ADMISSION  
PRO HAC VICE  
ON WRITTEN MOTION**

Upon the motion of Aimee B. Florin, attorney for Defendant Nextel of New York, Incorporated, and said sponsor attorney's affidavit in support;

**IT IS HEREBY ORDERED** that

Applicant's Name: J. Timothy McDonald  
Firm Name: Rogers & Hardin LLP  
Address: 2700 International Tower, 229 Peachtree Street, N.E.,  
City/State/Zip: Atlanta, GA 30303  
Phone Number: (404) 522-4700  
Fax Number: (404) 525-2224  
Email address: [hMcDonald@rh-law.com](mailto:hMcDonald@rh-law.com)

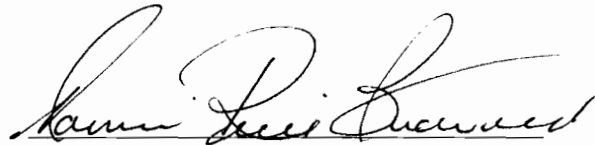
is admitted to practice *pro hac vice* as counsel for Defendant Nextel of New York, Incorporated, in the above-captioned action in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic

Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the *pro hac vice* fee to the Clerk of Court.

Dated:

New York, New York:

*September 12, 2007*

  
United States District/Magistrate Judge